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Attorneys for Defendant Apple Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

ODYSSEY WIRELESS, INC.,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 3:15-CV-01735-H-RBB

**DECLARATION OF BENJAMIN G.
DAMSTEDT IN SUPPORT OF
DEFENDANTS' OPENING CLAIM
CONSTRUCTION BRIEF**

Date: March 29, 2016
Time: 9:00 a.m.
Ctvm: 15A
Judge: Hon. Marilyn Huff

ODYSSEY WIRELESS, INC.,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO.,
LTD, et al.,

Defendants.

Case No. 3:15-cv-01738-H-RBB

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<p>ODYSSEY WIRELESS, INC., Plaintiff, v. MOTOROLA MOBILITY LLC, Defendant.</p>	<p>Case No. 3:15-cv-01741-H-RBB</p>
<p>ODYSSEY WIRELESS, INC., Plaintiff, v. LG ELECTRONICS, INC., et al., Defendants.</p>	<p>Case No. 3:15-cv-01743-H-RBB</p>

1 I, Benjamin G. Damstedt, hereby declare:

2 1. I am an attorney with Cooley LLP, counsel of record in this case for
3 Defendant Apple Inc. I am admitted to practice law in the state of California and
4 before this Court. The facts stated herein are true and of my own personal
5 knowledge and, if called to testify, I could and would testify to those facts.

6 2. I submit this declaration in support of Defendants' Opening Claim
7 Construction Brief.

8 3. Exhibit 1 is a true and correct copy of U.S. Patent No. 7,881,393
9 (issued Feb. 1, 2011).

10 4. Exhibit 2 is a true and correct copy of U.S. Patent No. 8,199,837
11 (issued June 12, 2012).

12 5. Exhibit 3 is a true and correct copy of U.S. Patent No. 8,576,940
13 (issued Nov. 5, 2013).

14 6. Exhibit 4 is a true and correct copy of U.S. Patent No. 8,660,169
15 (issued Feb. 25, 2014).

16 7. Exhibit 5 is a true and correct copy of U.S. Patent No. 8,855,230
17 (issued Oct. 7, 2014).

18 8. Exhibit 6 is a true and correct copy of U.S. Patent No. 8,879,606
19 (issued Nov. 4, 2014).

20 9. Exhibit 7 is a true and correct copy of excerpts from the file history of
21 U.S. Patent No. 7,881,393.

22 10. Exhibit 8 is a true and correct copy of excerpts from the file history of
23 U.S. Patent No. 8,199,837.

24 11. Exhibit 9 is a true and correct copy of excerpts from the file history of
25 U.S. Patent No. 8,576,940.

26 12. Exhibit 10 is a true and correct copy of excerpts from the file history
27 of U.S. Patent No. 8,660,169.

28 13. Exhibit 11 is a true and correct copy of excerpts from the file history

1 of U.S. Patent No. 8,855,230.

2 14. Exhibit 12 is a true and correct copy of excerpts from the file history
3 of U.S. Patent No. 8,879,606.

4 15. Exhibit 13 is a true and correct copy of excerpts from the file history
5 of U.S. Application No. 11/720,115, which issued as U.S. Patent No. 8,050,337.

6 16. Exhibit 14 is a true and correct copy of excerpts from the file history
7 of U.S. Application No. 12/372,354, which issued as U.S. Patent No. 7,876,845.

8 17. Exhibit 15 is a true and correct copy of excerpts from Response of
9 EICES Research, Inc. to: Air Force Topic AF131-049 of SBIR Program
10 Solicitation FY 13.1.

11 18. Exhibit 16 is a true and correct copy of excerpts from EICES
12 Research, Inc., Robust Communications for Low Probability of Intercept (LPI),
13 Low Probability of Detection (LPD) and Low Probability of Exploitation (LPE) of
14 Communications Information, Proposal No. D052-019-0085.

15
16 I declare under penalty of perjury under the laws of the United States of
17 America that the foregoing is true and correct.

18
19 Dated: February 25, 2016

/s/ Benjamin G. Damstedt
Benjamin G. Damstedt

CERTIFICATE OF SERVICE

The undersigned certifies that counsel of record who are deemed to have consented to electronic service are being served on February 25, 2016, with a copy of this document via the Court's CM/ECF system per Local Rules. Any other counsel will be served by electronic means, facsimile, overnight delivery and/or first class mail on this date.

By: /s/ Timothy S. Teter

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